

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7844

BILL NUMBER: HB 1651

NOTE PREPARED: Jan 12, 2007

BILL AMENDED:

SUBJECT: Civil Penalties for Unregistered Practice.

FIRST AUTHOR: Rep. Dembowski

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: The bill provides that a person or entity that: (1) practices or offers to practice architecture; (2) practices or offers to practice landscape architecture; (3) practices or offers to practice land surveying; or (4) practices or offers to practice engineering; without an applicable registration or exemption is subject to a civil penalty not to exceed \$5,000 for each violation. The bill requires that the civil penalty be paid not later than 60 days after the effective date of the order imposing the civil penalty.

The bill allows the Board of Registration for Architects and Landscape Architects, the State Board of Registration for Land Surveyors, and the State Board of Registration for Professional Engineers to: (1) investigate and take action concerning complaints involving persons the board has reason to believe should be registered; (2) subpoena witnesses and documents; and (3) request the Attorney General to bring an action in court to enforce a subpoena.

Effective Date: July 1, 2007.

Explanation of State Expenditures: *Summary-* The bill would allow the Board of Registration for Architects and Landscape Architects, State Board of Registration for Land Surveyors, and State Board of Registration for Professional Engineers to investigate potential violations of practicing without being registered. These boards would be allowed to subpoena witnesses and evidence in the form of books, papers, or other documents. The boards would also be allowed to request the Attorney General to bring action to enforce subpoenas.

Background: Attorney General- As of September 5, 2006, the Attorney General had 344 total employees. Of that total, 289 were full-time, 38 were intermittent, 10 were temporary, and 7 were on leave. The Attorney

General's General Fund appropriation is \$21.4 M for FY 2007.

Investigative Funds- Under current law, the Attorney General and the Professional Licensing Agency are to receive fee revenue for the purpose of enforcement and investigation of violations by persons in the professions of architecture, landscape architecture, land surveying, and professional engineering. Investigation costs are to be paid from the above professions' respective investigative funds established by P.L. 194-2005. (See *Explanation of State Revenues*.)

Explanation of State Revenues: *Summary-* Persons that practice architecture, landscape architecture, land surveying, and professional engineering without a license would be subject to a civil penalty not to exceed \$5,000 per violation. The respective professional boards of the above professions would determine the amount of penalty assessed. Penalties would be deposited in the professions' respective investigative funds.

Background- P.L. 194-2005 established investigative funds for architects, land surveyors, and professional engineers. Fees for the investigative funds are to be established by administrative rule. Statute specifies that the boards may not establish fees of more than \$20. To date, the fee amounts have not been established.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Professional Licensing Agency; Board of Registration for Architects and Landscape Architects; State Board of Registration for Land Surveyors; State Board of Registration for Professional Engineers; Attorney General.

Local Agencies Affected:

Information Sources: Wade Lowhorn, Deputy Director, Professional Licensing Agency, 232-3901.

Fiscal Analyst: Chris Baker, 317-232-9851.